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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,636	03/23/2004	An Mei Chen	020310D1	4030

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QUALCOMM INCORPORATED
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EXAMINER

HUYNH, NAM TRUNG

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/807,636	Applicant(s) CHEN ET AL.	
	Examiner Nam Huynh	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 8/23/2006. Of the original claims 1-24, claims 1, 7-13, and 19 have been amended.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-10, 13-16, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kailin et al. (US 6,058,308).

A. Regarding claims 1, 2, 7, 8, 13, and 14, Kailin et al. discloses an apparatus and associated method for adaptively selecting a paging area in which to page a mobile terminal. In the scope of the invention, a selected number of pages is transmitted throughout a paging area when a mobile terminal is to be paged. If no acknowledgement of the page is detected by the network infrastructure, the paging area is adaptively altered, e.g. expanded (column 4, lines 21-25). This expansion includes cells adjacent to the neighboring cells that may be defined to be cells positioned within a certain distance from the center of a cell (paging area that is centered at a cell) or on neighbor cell lists (predefined number) (column 4, lines 55-67). The paging area may also include a center cell, its neighbors, and neighbors of the neighbor cells (column 11, lines 33-35).

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B. Regarding claims 3, 4, 9, 10, 15, 16, 21, and 22, Kailin et al. discloses that a first MSC (BSC) might signal to a neighboring second MSC to help paging using a message. If the second MSC receives a paging response, a message is sent to the first MSC indicating that additional paging is not necessary therefore showing that the information intended to be sent to mobile terminal has been sent (column 15, lines 40-54).

C. Regarding claims 19 and 20, the limitations are rejected as applied to claim 1. The MSC of Kailin et al. renders the BSC set forth in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 5, 6, 11, 12, 17, 18, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kailin et al. (US 6,058,308) in view of Papadimitriou et al. (US 2002/0187793).

Kailin et al. discloses the limitations set forth in claims 1, 7, 13, and 19, but does not explicitly disclose that a MSC attempts to locate the mobile terminal if the BSC could not locate the target mobile terminal. Papadimitriou et al. discloses global paging of mobile stations in a wireless network using a MSC pool (title). In the scope of the invention, if a mobile station does not respond to a page from a BSC/RNC, then a global page of the mobile station is performed (page 3, paragraph 34). As can be seen in figure 3, the global paging area is a higher level in the hierarchal structure of the system. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kailin et al. to include another hierarchal step above the MSC, as taught by Papadimitriou et al., in order to page a mobile efficiently by paging first in an area where the mobile is likely to be located and then, if unsuccessful, in the next most likely area, and so on.

Response to Arguments

6. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH
10/20/06


GEORGE ENG
SUPERVISORY PATENT EXAMINER